

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL VITOR MORILHA,  
Plaintiff,  
v.  
ALPHABET INC., et al.,  
Defendants.

Case No. 24-cv-02793-JST

## **ORDER DENYING ADMINISTRATIVE MOTION TO SEAL**

Re: ECF No. 55

Plaintiff Daniel Morilha moves to file under seal portions of a transcript of his dissolution proceedings attached as an exhibit to a request for judicial notice. ECF No. 55. Morilha has filed a declaration in support of sealing. ECF No. 55-1. The Court hereby denies the motion.

## I. **LEGAL STANDARD**

A party seeking to seal a document filed with the court must (1) comply with Civil Local Rule 79-5; and (2) rebut the “strong presumption in favor of access” that applies to all documents other than grand jury transcripts or pre-indictment warrant materials. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citation and internal quotations omitted).

With respect to the first prong, Local Rule 79-5 requires, as a threshold, a request that (1) “establishes that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law”; and (2) is “narrowly tailored to seek sealing only of sealable material.” Civil L.R. 79-5(b).

With respect to the second prong, the showing required to overcome the strong presumption of access depends on the type of motion to which the document is attached. “[A] ‘compelling reasons’ standard applies to most judicial records. This standard derives from the common law right ‘to inspect and copy public records and documents, including judicial records and documents.’” *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. 2010) (quoting

1 *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 n.7 (1978)). To overcome this strong  
2 presumption, the party seeking to seal a judicial record must “articulate compelling reasons  
3 supported by specific factual findings that outweigh the general history of access and the public  
4 policies favoring disclosure.” *Kamakana*, 447 F.3d at 1178–79 (internal citations omitted).

5 On the other hand, records attached to motions that are only “tangentially related to the  
6 merits of a case” are not subject to the strong presumption of access. *Ctr. for Auto Safety v.*  
7 *Chrysler Grp., LLC*, 809 F.3d 1092, 1101 (9th Cir. 2016). Instead, a party need only make a  
8 showing under the good cause standard of Rule 26(c) to justify the sealing of the materials. *Id.* at  
9 1097. A court may, for good cause, keep documents confidential “to protect a party or person  
10 from annoyance, embarrassment, oppression, or undue burden or expense.” Fed. R. Civ. P. 26(c).

11 **II. DISCUSSION**

12 “[C]ompelling reasons’ sufficient to outweigh the public’s interest in disclosure and  
13 justify sealing court records exist when such ‘court files might have become a vehicle for  
14 improper purposes,’ such as the use of records to gratify private spite, promote public scandal,  
15 circulate libelous statements, or release trade secrets.” *Kamakana*, 447 F.3d at 1179 (quoting  
16 *Nixon*, 435 U.S. at 598).

17 Morilha has failed to articulate any compelling reasons why the redacted portions of the  
18 transcript of his dissolution proceedings should be sealed.

19 **CONCLUSION**

20 Because the Court has already denied Morilha’s motion to stay, ECF Nos. 52, 57, to which  
21 the request for judicial notice corresponds, Morilha need not file a renewed sealing motion. The  
22 material filed under seal at ECF No. 55 shall remain under seal.

23 **IT IS SO ORDERED.**

24 Dated: December 4, 2024

25   
26 JON S. TIGAR  
27 United States District Judge  
28